IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:18-CV-73-D

JAMES S. DEW, et al.,)
Plaintiffs,)
v.	ORDER
E.I. DU PONT DE NEMOURS AND COMPANY, et al.,)
- Defendants) .)

On April 18, 2018, defendants moved to dismiss the complaint for failure to state a claim upon which relief could be granted or, in the alternative, to stay the proceedings under the primary jurisdiction doctrine [D.E. 21] and filed a memorandum in support [D.E. 22]. On June 29, 2018, plaintiffs filed a first amended complaint [D.E. 34]. On July 31, 2018, defendants moved to dismiss plaintiffs' first amended complaint for failure to state a claim upon which relief could be granted or, in the alternative, to stay the proceedings under the primary jurisdiction doctrine [D.E. 36] and filed a memorandum in support [D.E. 37]. On August 21, 2018, plaintiffs responded in opposition [D.E. 38]. On September 14, 2018, defendants replied [D.E. 41].

In sum, the court GRANTS IN PART and DENIES IN PART defendants' motion to dismiss the first amended complaint [D.E. 36], DENIES defendants' motion to stay [D.E. 36], and DENIES as most defendants' motion to dismiss the complaint [D.E. 21]. In due course, the court will issue an order expounding on its conclusions.

SO ORDERED. This 16 day of March 2019.

JAMES C. DEVER III
United States District Judge